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Attorneys for Complainant

**BEFORE THE
RESPIRATORY CARE BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

MICHAEL BRIAN MILLER
79570 Port Royal Avenue
Bermuda Dunes, CA 92203

Respiratory Care Practitioner
License No. 20529

Respondent.

Case No. R-2061

**STIPULATED SETTLEMENT FOR
PUBLIC REPRIMAND AND
DISCIPLINARY ORDER**

IT IS HEREBY STIPULATED AND AGREED by and between the parties to the
above-entitled proceedings that the following matters are true:

PARTIES

1. Stephanie Nunez (Complainant) is the Executive Officer of the
Respiratory Care Board of California. She brought this action solely in her official capacity and
is represented in this matter by Edmund G. Brown, Jr., Attorney General of the State of
California, by Samuel K. Hammond, Deputy Attorney General.

2. Michael Brian Miller (Respondent) is represented in this proceeding by
attorney Timothy Knight, KASSEL & KASSEL, whose address is 334 West Third Street,
Suite 207, San Bernardino, CA 92401.

3. On or about December 17, 1998, the Respiratory Care Board of California issued Respiratory Care Practitioner's License No. 20529 to Michael Brian Miller (Respondent). The license was in full force and effect at all times relevant to the charges brought in Accusation No. R-2061 and will expire on May 31, 2008, unless renewed.

JURISDICTION

4. Accusation No. R-2061 was filed before the Respiratory Care Board (Board), Department of Consumer Affairs, and is currently pending against Respondent. A true and correct copy of Accusation No. R-2061 and all other statutorily required documents were properly served on Respondent on March 21, 2007. Respondent timely filed his Notice of Defense contesting the Accusation. A true and correct copy of Accusation Case No. R-2061 is attached hereto as Exhibit A and incorporated by reference as if fully set forth herein.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. R-2061. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

6. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel at his own expense; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

8. Respondent admits the complete truth of each and every charge and allegation in Accusation No. R-2061.

9. Respondent agrees that his Respiratory Care Practitioner's License is subject to discipline and he agrees to be bound by the Board's imposition of discipline as set forth in the Disciplinary Order below.

CONTINGENCY

10. This stipulation shall be subject to approval by the Respiratory Care Board. Respondent understands and agrees that counsel for Complainant and the staff of the Respiratory Care Board of California may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent. By signing the stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

11. The parties understand and agree that facsimile or other copies of this Stipulated Settlement and Disciplinary Order, including the signatures thereto, shall have the same force and effect as the originals.

12. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

13. The admissions made by Respondent herein are only for the purposes of this proceeding, or any other proceedings in which the Respiratory Care Board of California or other professional licensing agency is involved.

14. If this Stipulation is not adopted by the Board, it shall have no force and effect on any party.

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Michael Brian Miller, Respiratory Care Practitioner's License No. 20529, shall be and hereby is publicly reprimanded by the Board. This

document shall constitute the formal public reprimand and provide that, based on the admissions by Respondent in paragraph 8 of this Stipulation, Respondent is ordered to comply with the following terms and conditions:

A. Agree that no future violations of law will occur; and

B. Pay to the Board the costs in the amount of \$613.00, payable within one year from the effective date of this Decision.

NON-COMPLIANCE WITH DISCIPLINARY ORDER

In the event respondent fails to comply with each and every term and condition set forth above, such failure shall be deemed a violation of Business and Professions Code section 3750(g), and the Board, after having giving notice and an opportunity to be heard, make take additional disciplinary action against respondent.

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Timothy Knight. I understand the stipulation and the effect it will have on my Respiratory Care Practitioner's License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Respiratory Care Board.

DATED: May 18, 2007

Original signed by: _____
MICHAEL BRIAN MILLER
Respondent

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I approve its form and content.

DATED: May 18, 2007

Original signed by:
TIMOTHY KNIGHT
Attorney for Respondent

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Respiratory Care Board of the Department of Consumer Affairs.

DATED: June 4, 2007

EDMUND G. BROWN JR., Attorney General
of the State of California

THOMAS S. LAZAR
Supervising Deputy Attorney General

Original signed by:
SAMUEL K. HAMMOND
Deputy Attorney General

Attorneys for Complainant

**BEFORE THE
RESPIRATORY CARE BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. R-2061

MICHAEL BRIAN MILLER
79570 Port Royal Avenue
Bermuda Dunes, CA 92203

Respiratory Care Practitioner's
License No. 20529,

Respondent.

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Respiratory Care Board, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on July 26, 2007.

It is so ORDERED July 16, 2007.

Original signed by: _____
LARRY L. RENNER, BS, RRT, RCP, RPFT
PRESIDENT, RESPIRATORY CARE BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA